

EXHIBIT 13

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

ePLUS, INC.,)	
)	
Plaintiff,)	Civil Action No. 3:09-CV-620 (REP)
)	
v.)	
)	
LAWSON SOFTWARE, INC.,)	
)	
)	
Defendant.)	

**EXPERT REPORT OF BROOKS L. HILLIARD
RELATING TO PATENT VALIDITY**

128. Claim 1 of the '172 Patent can also be distinguished from the PO WRITER system and manuals for reasons similar to those provided with respect to the claims of the '683 Patent.

129. The PO WRITER system and manuals fail to disclose or suggest each and every element of claim 1 of the '172 Patent because, as discussed above, they fail to disclose or suggest a database containing data relating to items "associated with at least two vendors." Again, vendor data is not associated with item records. Although items may be associated with a Catalog ID and that Catalog ID may be by vendor, it is not necessary to set up a Catalog ID by vendor. *See* Guided Tour manual at L0126537 ("All of these fields are optional" including the Catalog ID field, which is notably shown as unfilled in the included illustration.).

130. Further, there were no "means for building a requisition that uses data obtained from said database relating to selected matching items on an order list" or any "means for processing said requisition to generate purchase orders for said selected matching items" in the PO WRITER system. Moreover, the PO WRITER system and documents do not disclose an intermediate step of creating an order list as recited in the claim. Rather, the P.O. WRITER system can start with building a requisition or building a purchase order (without even building a requisition). If the user starts with a requisition, from the search results generated in that process, the system builds a requisition, not an order list. Once the requisition is completed, a purchasing department user (rather than the requisitioner) backs out to the Main Menu and invokes the Requisition Interface module to convert the requisition to a purchase order and then backs out yet again to the Main Menu to invoke the Create P.O. module to actually create a purchase order. *See, e.g.,* Guided Tour manual at L0126671; L0126673; L0126680-81. At no time is an order list generated.

Respectfully submitted,

Dated: June 9, 2010



Brooks L. Hilliard